

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, D.C. 20268-0001

*In the Matter of:*

Ben Franklin Post Office  
Ben Franklin, Texas

Docket No. A2011-24

**UNITED STATES POSTAL SERVICE  
COMMENTS REGARDING APPEAL**  
(September 8, 2011)

On July 1, 2011, the United States Postal Service (“USPS” or “Postal Service”) posted its Final Determination to Close the Ben Franklin Post Office and Establish Service by Rural Route Service (“Final Determination” or “FD”). Item No. 47.<sup>1</sup> In this docket, Benny and Julie Lovell (“Petitioners”) appeal the Postal Service’s determination and request that the matter be remanded to the Postal Service for further consideration.<sup>2</sup> For the reasons set forth in these Comments, the Postal Service submits that it has complied with its statutory obligations under 39 U.S.C. § 404(d) with respect to the Final Determination. The Postal Service further submits (1) that its decision is in accordance with the law and is supported by substantial record evidence and (2) that the Postal Service observed procedure required by law. Therefore, the Postal Service respectfully requests that the Postal Regulatory Commission (“Commission”) affirm the Final Determination.

<sup>1</sup> In these comments, specific items in the Administrative Record filed by the Postal Service on August 1, 2011 are referred to as “Item No. \_\_\_\_.”

<sup>2</sup> The procedural history to this appeal appears below the “Background” section.

## **Background**

The Administrative Record ("AR") filed by the Postal Service on August 1, 2011, shows that the Ben Franklin Post Office in Ben Franklin, Texas (75469), provides EAS-11 level service to 63 Post Office Box customers from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:00 p.m., Monday through Friday. Item No. 8, PS Form 150, Postmaster Workload Information, at 1; Item No. 15, Post Office Survey Sheet, at 1; Item No. 33, Proposal, at 2; FD at 2. Lobby hours are from 8:00 a.m. to 4:00 p.m. Item No. 15 at 1; Proposal at 2; FD at 2. Rural delivery is provided to 36 customers. Item No. 18 at 1; Proposal at 2; FD at 2. On average, there are nine retail window transactions at the Ben Franklin Post Office per day and these transactions account for nine minutes of retail workload daily. Item No. 2, Window Transaction Record; Proposal at 2; FD at 2. Revenue has generally been low: \$10,529.00 in FY 2008 (27 revenue units); \$7,163.00 in FY 2009 (19 revenue units); and \$6,355.00 in FY 2010 (17 revenue units). Item 18, Form 4920, Post Office Closing or Consolidation Proposal – Fact Sheet, at 1; Proposal at 2; FD at 2. The Ben Franklin Post Office has no meter or permit customers. Item No. 15 at 1; Proposal at 2; FD at 2.

Upon implementation of the Final Determination, delivery and retail services will be provided by the Roxton Post Office, an EAS-13 level office located 5.4 miles away. Item No. 4, Highway map with community highlighted ("Highway Map"), at 1; Proposal at 2; FD at 2. Post Office Box service is available at the Roxton Post Office and at the Pecan Gap Post Office which is located 5.3 miles away from the Ben Franklin Post Office. Item No. 4, Highway Map, at 1; Proposal at 2; FD at 2. There are 23 Post Office

Boxes available at the Roxton Post Office and 73 Post Office Boxes available at the Pecan Gap Post Office and the fees for those boxes are less than the fees for the boxes at the Ben Franklin facility. Item No. 15 at 1; Proposal at 2; FD at 2.

The postmaster of the Ben Franklin Post Office was promoted on February 13, 2010. Item No. 1, Request/Approval to Study for Discontinuance, at 1; Proposal at 2; FD at 2. The record indicates that a noncareer employee from another office is currently serving as the temporary officer-in-charge (OIC) of the Ben Franklin Post Office. Item No. 16 at 1; Proposal at 2; FD at 2. A postmaster relief (PMR) is serving the Ben Franklin Post Office. Item No. 15 at 1. The FD states that the PMR may be separated from the USPS upon implementation of the FD. Proposal at 8; FD at 8. No other postal employee will be affected by the Final Determination. Proposal at 8; FD at 8.

In light of the postmaster vacancy, a minimal workload, low office revenue,<sup>3</sup> the variety of delivery and retail options (including the convenience of rural delivery and retail service),<sup>4</sup> very little recent growth in the area,<sup>5</sup> minimal impact upon the community and employees,<sup>6</sup> and the expected financial savings,<sup>7</sup> the Postal Service issued the FD. The FD is premised on the Postal Service's ability to provide regular and effective postal services to the Ben Franklin community in a cost-effective manner upon implementation of the final determination. FD at 2.

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<sup>3</sup> Item 18 at 1; Proposal at 2; FD at 2;.

<sup>4</sup> Proposal at 6, 8; FD at 6, 8.

<sup>5</sup> Item No. 16 at 1-5; Proposal at 3; FD at 3.

<sup>6</sup> Proposal at 7, 8; FD at 7, 8.

<sup>7</sup> Item No. 17, Alternate Service Options/Cost Analysis, at 1; Proposal at 8; FD, at 8.

The Postal Service followed the proper procedures prior to the issuance of the Final Determination and complied with all notice requirements. In addition to the posting of the Proposal and FD, customers received notice through other means. Questionnaires were distributed to delivery customers of the Ben Franklin Post Office and were also available over the counter for retail customers at the Ben Franklin Post Office. Item 23, Postal Service Customer Questionnaire Analysis, at 1; Item No. 20, Questionnaire Instruction Letter to Postmaster/OIC, at 1; Proposal at 2; FD at 2. A letter from the Manager, Post Office Operations, Coppell, TX, informing customers that the Ben Franklin Post Office was being studied for possible closing or consolidation, was also made available to postal customers. Item No. 21, Letter to Customer, at 1. The letter indicated that the Postal Service was considering providing pickup and delivery of mail, as well as the sale of stamps and other customary postal services, by rural route emanating from the Roxton Post Office. Id. The letter invited customers to complete and return a customer questionnaire and to express their opinions about the service they were receiving and the effects of a possible change. Id. The returned customer questionnaires and Postal Service response letters appear in the AR as Item No. 22.

Additionally, representatives from the Postal Service were available for a community meeting on Wednesday, February 23, 2011, to answer questions and provide information to customers. Item No. 24, Community Meeting Roster, at 1; Item No. 25, Community Meeting Analysis, at 1; Proposal at 2; FD at 2. Customers received formal notice of the Proposal and FD through postings at affected facilities. The Proposal was posted with an invitation for public comment at the Ben Franklin and

Roxton Post Offices from March 30, 2011 to May 31, 2011. Item No. 36, Round-date Stamped Proposal and Invitation for Comments from Affected Offices; Item No. 37, Notice of Taking Proposal and Comments Under Internal Consideration. The FD was posted at the same two Post Offices starting on July 1, 2011, as confirmed by the round-dated FD cover sheets that appear in the AR. Item No. 47 at 1, 9.

### **Procedural History in Docket No. A2011-24**

On July 15, 2011, the Commission received a petition for review ("Petition") postmarked July 8, 2011, from Petitioners objecting to the determination of the Postal Service to close the Ben Franklin Post Office. Identical versions of the appeal letter, dated July 7, 2011, were submitted by and signed by other customers of the Ben Franklin Post Office and were received by the Commission on July 14, 2011. On July 19, 2011, the Commission issued Order No. 765, its Notice and Order Accepting Appeal and Establishing Procedural Schedule under 39 U.S.C. § 404(d).

On July 27, 2011, the Postal Service filed the Administrative Record (AR) with the Commission. Because certain documents were omitted from the AR filed by the Postal Service on July 27, the Postal Service filed a complete, corrected AR on August 1, 2011.<sup>8</sup>

On August 19, 2011, Petitioners filed a Participant Statement concerning the Final Determination. The Petition and the Participant Statement raise three main issues: (1) the effect of the closing of the Ben Franklin Post Office on postal services

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<sup>8</sup> United States Postal Service Notice of Filing Corrected Administrative Record – Errata (August 1, 2011).

currently provided to the community, (2) the impact of the closing on the Ben Franklin community itself, and (3) the significance of the economic savings expected to result from closing the Post Office and establishing rural route service. Additionally, the Participant Statement challenges the adequacy of the process preceding the issuance of the FD. As reflected in the AR, the Postal Service gave the substantive issues raised in this appeal serious consideration and afforded Ben Franklin residents with ample opportunity to ask questions, provide comments, and express concerns prior to the issuance of the FD. Consistent with the Postal Service's statutory obligations and Commission precedent,<sup>9</sup> the Postal Service also gave consideration to other issues not raised by Petitioners, including the impact of the closing on postal employees. Accordingly, the determination to close the Ben Franklin Post Office should be affirmed.

Each of the issues raised by Petitioners is specifically addressed in the paragraphs that follow.

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<sup>9</sup> See 39 U.S.C. 404(d)(2)(A).

### **Effect on Postal Services**

Consistent with the mandate in 39 U.S.C. § 404(d)(2)(A)(iii) and as addressed throughout the AR, the Postal Service considered the effect of closing the Ben Franklin Post Office on postal services provided to Ben Franklin customers. As information, the Postal Service determines postmaster level and Post Office service hours by analyzing the workload of a Post Office. The Ben Franklin Post Office currently provides EAS-11 level service to 63 Post Office Box customers and rural delivery to 36 customers. Item No. 8, PS Form 150, Postmaster Workload Information, at 1; Item No. 18 at 1; FD at 2. The Post Office has approximately nine daily retail window transactions which account for nine minutes of retail workload daily. Item No. 10, Window Transaction Survey. The closing of the Ben Franklin Post Office is premised upon continuing to provide regular and effective postal services to Ben Franklin customers.

Upon the implementation of the Final Determination, delivery and retail services will be provided by rural route delivery under the administrative responsibility of the Roxton Post Office which is located approximately five miles away. Proposal at 2; FD at 2. Petitioners assert that despite the availability of window services at the Pecan Gap and Roxton Post Offices, the absence of window services in Ben Franklin, TX, will “be a hardship on everyone in [the] community.” Id. Petitioners allege that if a “letter or package that must be signed for cannot be delivered by the rural carrier for some reason” customers may have to travel to Pecan Gap or Roxton. Id. The AR, however, indicates that the closing of the Ben Franklin Post Office will create no such hardships because the Postal Service will provide pickup and delivery of mail, and the sale of

stamps and all other customary postal services by rural route emanating from the Roxton Post Office. Item No. 21, Letter to Customer, at 1. Additionally, in its responses to customer comments and concerns, the Postal Service noted that rural letter carriers have a longstanding track record of providing mail service to postal customers, even during periods of prolonged, inclement weather. Proposal at 4, concern no.19; FD at 4, concern no. 19. Additionally, a rural carrier is required to provide a vehicle of adequate size that is equipped with the equipment necessary to serve the route safely and efficiently. Proposal at 2, concern no.3; FD at 2, concern no. 3.<sup>10</sup>

Petitioners and others expressed concern that Ben Franklin's senior citizens would have difficulties accessing postal services if the Ben Franklin Post Office was closed. Petition at 1; Participant Statement at 3; Proposal at 5, concern no. 22; FD at 5, concern no. 22. The Postal Service explained that carrier service was uniquely beneficial to senior citizens because the carrier can provide delivery and retail services to roadside mailboxes, thereby obviating the need for those citizens to travel to a Post Office. Proposal at 5, concern no. 22; FD at 5, concern no. 22. Moreover, the Postal Service makes special provisions for hardship cases and special customer needs. Proposal at 5, concern no. 22; FD at 5, concern no. 22. Because rural carriers are required to serve their routes expeditiously and arrive at boxes at approximately the same time each day, senior citizens served by the route will not find it necessary to "chase down" the carrier to obtain postal services. Compare Participant Statement at 3 with Proposal at 4, concern no. 19 and FD at 4, concern no. 19.

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<sup>10</sup> As an added benefit, customers opting for carrier service will have 24-hour access to their mail. Proposal at 7; FD at 4.



Petitioners further assert that according to evidence available to Petitioners, the Postal Service has expressed its intent to close several offices located in Delta County, Texas, including the Pecan Gap Post Office. Petition at 1; Participant Statement at 2. Petitioners imply that such closures would have an impact on the services provided to the Ben Franklin community in a manner that warrants the remanding of the Final Determination to the Postal Service. Participant Statement at 1, 2. Notwithstanding these concerns, the Commission may render an affirmative decision in this docket for several reasons. First, the Postal Service has not issued a proposal or a final determination to close the Roxton or Pecan Gap Post Offices. Until the Postal Service issues a final decision to close those offices, Petitioners' concern is speculative. Second, Petitioners' concern is grounded in the potential closing of rural Post Offices within the county generally rather than the closing of the specific Post Office that is the subject of this docket. For the reasons set forth in this brief, the Postal Service submits that it has satisfied the requirements set forth in 39 U.S.C. § 404(d) with respect to the Ben Franklin Post Office.<sup>11</sup> Third, Petitioners assume without support that the Postal Service will be unable to provide regular and effective services to Ben Franklin customers, or to other customers in the county, if the Postal Service ultimately determines that it will close one or more of the Post Offices identified by Petitioners. If such determinations are made, the Postal Service should have the opportunity to

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<sup>11</sup> Similarly, Petitioner asserts that the Ben Franklin community "is located on a main road going in and out of the county" and that "it would make more sense to close other facilities that are not on direct, well traveled routes." Petitioner Statement at 2. The Postal Service submits that under 39 U.S.C. § 404(d) and postal regulations, the question of whether there are other facilities that may be deemed more suitable for closure is not germane to determining whether the Postal Service's determination to close the Ben Franklin post office should be affirmed.

defend the merits of each individual closing in separate dockets established for the purpose of evaluating those closings. For the purposes of this docket, however, the Postal Service has properly concluded, on the basis of the AR and Final Determination, that Ben Franklin customers will continue to receive regular and effective service via rural carrier service.

### **Effect on the Ben Franklin Community**

The Postal Service is obligated to consider the effect of its decision to close the Ben Franklin Post Office upon the Ben Franklin community. 39 U.S.C. § 404(d)(2)(A)(i). As information, Ben Franklin, Texas, is an unincorporated rural community that is located in and administered by Delta County. Proposal at 7; FD at 7. Police protection is provided by the Delta County Sheriff Office and fire protection is provided by the Pecan Gap Volunteer Department. Proposal at 7; FD at 7. The community is comprised of retired people, farmers/ranchers, and those who commute to work at nearby communities and work in local businesses. Item No. 16, Community Fact Sheet and other documents, at 1; Proposal at 7; FD at 7. According to Petitioners, there are three churches in Ben Franklin, church organizations for teenagers, a catering business, and the Ben Franklin Water Supply Corporation. Participant Statement at 3.

While the primary purpose of the Postal Service is to provide postal services, Title 39 U.S. Code and postal regulations recognize the substantial role in community affairs often played by local Post Offices and requires consideration of that role whenever the Postal Service proposes to close or consolidate a Post Office. The issue

of the effect of the closing of the Ben Franklin Post Office upon the Ben Franklin community was extensively considered by the Postal Service, as reflected in the AR. Item No. 16 at 1; Item No. 23 at 1-3; Proposal at 2-7; FD at 2-7. In response to questions and concerns posed by the community, the Postal Service explained that a community's identity derives from the interest and vitality of its residents and their use of its name. Proposal at 2, concern no. 2. The regular and effective postal services required by communities generally will continue to be provided to the Ben Franklin community.

Petitioners assert that the population of the Ben Franklin community and the postal needs of the community have increased. Petition at 1; Item No. 16 at 3. Petitioners further allege that the postal needs of the community will increase in the future due to the commencement of a local construction project. Petition at 1; Item No. 16 at 3. The Postal Service considered whether the community was expected to grow in the future and found that that no population, residential, commercial, or business growth was expected to occur. Item No. 16 at 1, 2. Additionally, the steady decline in office receipts over the last three years indicates that business at the Ben Franklin Post Office is also on the decline. Item No. 18 at 1; Proposal at 2; FD at 2. The Postal Service appropriately determined that the amount of growth in the area was minimal and that rural carrier service would be able to accommodate any future growth. Proposal at 3, concern no. 9; FD at 3, concern no. 9.

Petitioners assert that the Ben Franklin Post Office should be preserved due to its longstanding presence in the community. Petition at 1. Petitioners emphasize that

the Post Office was established in 1854 and describes the Post Office as a “historical site” and an “important landmark for the entire area.” Petition at 1; Participant Statement at 1. Petitioners note that the Post Office and the Ben Franklin United Methodist Church “are meeting places for information, communication, and congregation of the citizens of [the] area.” Participant Statement at 1, 3, 4. The Postal Service gave due consideration to the concerns of the community prior to the issuance of the Final Determination. According to the AR, the Postal Service will help to preserve the community’s identity by continuing the use of the suspended Post Office name and ZIP Code in addresses and in the National Five-Digit ZIP Code and Post Office Directory. Proposal at 2, concern 2; FD at 2, concern 2. Customers were informed that they will be able to continue to use their city name and ZIP Code in the 911 address to which they will be assigned. Proposal at 3, concern no. 8. The record further indicates that the Ben Franklin United Methodist Church will continue to provide a space and place for community members to meet, congregate, and communicate. Participant Statement at 1; Item No. 7, Post Office and Community Photos, at 15-17.

Petitioners further state that the residents of the Ben Franklin community prefer to conduct business “locally rather than globally” and that the residents prefer face-to-face interactions when performing business or other transactions. Participant Statement at 2. Petitioners state that the residents inherently trust the mail for communication and paying bills. Id. Petitioners assert that the closing of the Ben Franklin Post Office will require the Ben Franklin residents to “change [their] traditions” in the following ways: (1) residents will have to use the internet to perform retail postal

transactions, and (2) residents will have to “alter their lifestyle” to include traveling five to six miles away from their homes. Id. at 2-3. Petitioners state that the Postal Service incorrectly assumes that “Ben Franklin residents can visit the Roxton Post Office while completing...normal daily errands.” Id. at 2. Although Petitioners state that “USPS ignores the obstacles that...citizens will have to overcome” (Participant Statement at 2), Petitioners do not clearly state which obstacles the Postal Service has allegedly ignored. Regardless, the AR explains that the changes will not require Ben Franklin residents to significantly alter their lifestyles or traditions. Retail services formerly provided at the Post Office will be available through a rural carrier, thereby eliminating the *need* for residents to travel to the administrative Post Office.<sup>12</sup> Proposal at 2, 7. Moreover, while most transactions do not *require* meeting the carrier at a resident’s mail box, rural carrier service provides residents with the opportunity to conduct face-to-face transactions with postal personnel. Proposal at 3, concern no. 10. Finally, it is worth noting that the AR indicates that the current demand for services at the Ben Franklin Post Office is minimal. Item 18 at 1; Proposal at 2; FD at 2. As a result, the record shows that the closing of the Ben Franklin Post Office will not result in significant changes in local traditions or community norms or that the Postal Service is eliminating access to a service on which residents depend on a daily basis. Accordingly, the Postal Service submits that it has met its burden, as set forth in 39 U.S.C. § 404(d)(2)(A)(i), by considering the effect of closing the Ben Franklin Post Office on the community served by that facility. Proposal at 7; FD at 7.

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<sup>12</sup> Should residents decide to receive post office box service at the Roxton or Pecan Gap Post Office, they will find that the fees are less than the box fees at the Ben Franklin Post Office. Item No. 15 at 2.

## **Economic Savings**

Consistent with the mandate in 39 U.S.C. § 404(d)(2)(A)(iv), the Postal Service considered economic factors when determining to close the Ben Franklin Post Office.<sup>13</sup> Proposal at 8; FD at 8. The Postal Service estimates that rural route carrier service would cost the Postal Service substantially less than maintaining the Ben Franklin Post Office and would still provide regular and effective service. Item No. 21 at 1. The estimated annual savings associated with discontinuing the Ben Franklin Post Office and establishing rural route “replacement” service are \$35,901.00. Proposal at 8; FD at 8.

In response to the Postal Service’s claims regarding the savings attributable to the closing of the Post Office, Petitioners assert that “even if all the designated rural Post Offices were closed[,] the savings to the [P]ostal [S]ervice would be less than 1 [percent]” of the Postal Service’s budget. Petition at 1; Participant Statement at 4. Petitioners further assert that the Postal Service has overstated the economic savings that will be realized by the agency. Participant statement at 4. These assertions do not, however, provide a basis for a possible remand of the Final Determination. First, petitioners do not provide a citation to the research upon which this claim is based, rendering it impossible to challenge the veracity of the claim. Second, the Petitioners’

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<sup>13</sup> Petitioner asserts that under federal law, “a Post Office is not supposed to be closed to save money.” Petition at 1; Participant Statement at 3. The record shows, however, that the Postal Service considered several factors including the needs of the community, the effect on the closure to the community, the effect of the closing on employees, and the economic savings attributable to the closing. Proposal at 1-8; FD at 1-8.

statement appears to imply that in order to close a specific Post Office, the Postal Service must establish that the savings that would be achieved by closing all “rural” Post Offices amounts to least 1 percent of the USPS’s budget, or perhaps more. However, this standard has no basis in 39 U.S.C. § 404(d) or any other provision in Title 39, U.S. Code. Contrary to the petitioners’ view, the Postal Service is only required to demonstrate that the closure of the specific Post Office under review will satisfy the criteria set forth in § 404(d). Finally, Petitioners have provided no reason to believe that the economic savings figure set forth in the Proposal or the Final Determination is an overstatement of the savings that the Postal Service will gain from closing of the Ben Franklin Post Office and establishing replacement service. Compare Participant statement at 4 with Proposal at 8; FD at 8.

Petitioners further object to the closing of “places of employment” such as the Ben Franklin Post Office, “in a small county that has no major job sources.” Petition at 1. In response to a comment made at the community meeting, however, the Postal Service explained that the postmaster position was currently vacant and that there is no guarantee that any replacement postmaster would be from the community. Item No. 23 at 3; Proposal at 4; FD at 4. Accordingly, there is no guarantee that the continuation of the Ben Franklin Post Office would have any significant impact on the employment outlook of the community.

The Postal Service determined that carrier service is more cost-effective than maintaining the Ben Franklin postal facility and postmaster position. FD, at 5. The Postal Service’s estimates are supported by record evidence, in accordance with the

Postal Service's statutory obligations. The Postal Service, therefore, has considered the economic savings to the Postal Service resulting from such a closing, consistent with its statutory obligations and Commission precedent. See 39 U.S.C. § 404(d)(2)(A)(iv).

### **Effect on Employees**

As documented in the record, the impact of the closing on postal employees is minimal. The postmaster was promoted on February 13, 2010, and a noncareer employee from another office is currently serving as the temporary officer-in-charge (OIC) of the Ben Franklin Post Office. A PMR is also serving the Ben Franklin Post Office and may be separated from the USPS upon implementation of the FD. The record shows that no other employee would be affected by this closing. Item No. 15 at 1; Proposal at 8; FD at 8. Therefore, in making the determination, the Postal Service considered the effect of the closing on the employees at the Ben Franklin Post Office, consistent with its statutory obligations. See 39 U.S.C. § 404(d)(2)(A)(ii).

### **Procedural Concerns**

Petitioners allege several procedural deficiencies preceding the issuance of the Final Determination as well as deficiencies concerning the FD itself. Petitioners allege that the Community meeting held on February 23, 2011, was inadequate in the following ways: (1) the actual concerns of the residents of the community were never considered by USPS representatives, (2) the meeting was not designed to solicit the concerns or



address the needs of the community, (3) certain information was not made available at the community meeting, and (4) certain information provided was not correct.

Participant Statement at 2-3. Petitioners specifically assert that a USPS representative failed to answer many of the questions of the residents of the Ben Franklin Post Office.

Id. at 3.

Despite Petitioners' contentions, the AR shows that the actual concerns of the residents of the Ben Franklin community were considered by Postal Service representatives and that the community meeting was designed to solicit the concerns of, and address the needs of, the community. For example, when the meeting participants raised an issue related to the waiting time at the administrative Post Office the Postal Service provided a possible reason for the delay and indicated that the participants' concern was being brought to the attention of the administrative postmaster for resolution. Item No. 25 at 1-2, concern no. 12. Additionally, postal representatives answered questions on a variety of topics raised by meeting participants, including: (1) the dependability of rural delivery service; (2) how the Postal Service can operate with a "negative balance"; (3) whether a rural carrier will be able to weigh and rate letters and packages; (4) mail security on county roads; and (5) whether the President of the United States is responsible for the decision to close the Post Office. Item No. 25 at 1-2. Notably, one of the examples cited by Petitioners demonstrates that the Postal Service correctly answered a question posed by the community. In response to a question regarding the location where postal services would be provided, Petitioners acknowledge that the meeting attendees were told that retail services would be

available at Post Offices located 5 to 6 miles away from the Ben Franklin Post Office. Participant Statement at 2. This information is consistent with the information contained in the Post Office Survey Sheet, the formal Proposal, and the Final Determination. Item No. 15 at 1; Proposal at 2; FD at 2. Although Petitioners question the *future* availability of such service in light of the other Post Office closings contemplated by the Postal Service, the Postal Service has not issued a proposal or a final determination to close the Roxton or Pecan Gap Post Offices, nor is Roxton one of the Post Offices that Petitioners identify as slated for possible closure.

Petitioners further state that the specific locations of other Post Offices being considered for possible closure were not disclosed. Participant Statement at 3. However, in response to a question posed at the community meeting regarding the status of the Pecan Gap and Roxton Post Offices, the Postal Service advised the attendees that the Postal Service was reviewing *all* offices for possible closure. Item No. 25, Postal Service Customer Community Meeting Analysis, at 1. Petitioners also state that the USPS representative was unable to answer questions concerning the calculation of workload figures or how “salary or benefit standards” were met. Although some of the information that the attendees requested was withheld pursuant to postal information policy (see Item No. 25 at 1, concern nos. 3 and 6), financial information regarding the economic savings attributable to the closing of the Ben Franklin Post Office was ultimately disclosed as part of the formal Proposal. Proposal at 8. Petitioners do not explain how the failure to disclose the information regarding workload calculations or salary benefit standards has prejudiced his appeal or why the disclosure

of the economic savings estimate in the Proposal was insufficient for the purpose of evaluating the costs and benefits of the proposal. In light of these facts, the Postal Service is confident that the Ben Franklin residents were afforded an adequate opportunity to express their concerns, ask questions, and receive information from the Postal Service.

To support Petitioners' claim that certain information provided by the Postal Service was not correct, Petitioners observe that the "Ben Franklin Water Supply Corporation" was listed by the Postal Service as the "Ben Franklin Supply Water Closet." Participant Statement at 3. Petitioners also claim that there additional errors in the information contained in the Post Office Closing or Consolidation Proposal Fact Sheet (Item No. 18, box 17). Participant Statement at 3. These observations are, however, not material. Any errors identified by Petitioner do not have a material effect on the analysis contained in the Proposal and Final Determination, and therefore, such errors do not provide a basis for remanding the Final Determination to the Postal Service on the grounds that the decision was not in accordance with the law, was unsupported by substantial record evidence, or was procedurally deficient. See Secretary's Letter Transmitting PRC Form 61 Petitioner's Statement to Petitioners Benny and Julie Lovell (July 20, 2011). The Postal Service notes that Petitioners have not challenged the veracity of any of the other information provided at the community meeting, contained in the Proposal, or contained in the Final Determination.

Finally, Petitioners allege that the Postal Service did not inform the customers of the right to appeal, make reliable information available for inspection, or include

required findings when notifying customers of the closing. A review of the record shows, however, that the Postal Service advised customers of their right to appeal the Final Determination to the Commission. FD at 8. Additionally, the Final Determination indicates that all relevant documents and findings supporting the Final Determination were available for public inspection at the Ben Franklin, Pecan Gap, and Roxton Post Offices. FD at 8; Item No. 47, containing round-date stamped copies of the cover sheets. Accordingly, the Postal Service submits that it met its procedural requirements up to and during the issuance of the Final Determination.

### **Conclusion**

As reflected throughout the AR, the Postal Service has followed the proper procedures and carefully considered the effect of closing the Ben Franklin Post Office on the provision of postal services and on the Ben Franklin community, as well as the economic savings that would result from the proposed closing, the effect on postal employees, and other factors, consistent with the mandate of 39 U.S.C. § 404(d)(2)(A).

After taking all factors into consideration, the Postal Service determined that the advantages of discontinuance outweigh the disadvantages. Additionally, the Postal Service concluded that after the discontinuance, the Postal Service will continue to provide effective and regular service to Ben Franklin customers. FD at 7. The Postal Service respectfully submits that this conclusion is consistent with and supported by the Administrative Record and is in accord with the policies stated in 39 U.S.C. §

404(d)(2)(A). Accordingly, the Postal Service respectfully requests that the Final Determination to close the Ben Franklin Post Office be affirmed.

Respectfully submitted,

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